



City Of Kenmore, Washington

February 3, 2012

Harriet Beale
WA State Department of Ecology
Water Quality Program
PO BOX 47696
Olympia, WA 98504-7696

**Re: Draft Western Washington Phase II Municipal Stormwater Permit (2013 - 2018)
Public Comment Period 12/19/2011 to 2/3/2012**

Ms. Beale,

The City of Kenmore would like to thank you for the opportunity to comment on the draft municipal stormwater permit. The City has reviewed the draft 2013 - 2018 Western Washington Phase II Municipal Stormwater Permit and has the following comments:

City of Kenmore Comments

S5.C.1.a (Public Education and Outreach)

Page 19, lines 1-5: The opening paragraph states that programs can be done regionally, but section *a* does not have language to allow regional coordination to meet requirements similar to section *c*, which states "*Permittees may meet this requirement individually or as a member of a regional group.*" Consider repeating the language from section *c* in section *a*.

S5.C.1.c (Public Education and Outreach)

Page 20, lines 14-15: Consider revising the language "new targeted audience in at least one new subject area" to "priority targeted audience in at least one priority subject area". This will allow Permittees to focus efforts where their analyses indicate it is needed most.

S5.C.3.a.v (IDDE)

Page 22, lines 8-11: Condition does not specify threshold for compliance. Please specify if threshold is same as in section *iv* or whether this condition applies to all pipe diameters.

S5.C.3.c.i (IDDE)

Page 26, lines 3-6: Please clarify the term "conveyances and outfalls" in regards to field screening. Are conveyances (pipes, ditches, catch basins, etc...) to be prioritized separately from outfalls? Can a Permittee inspect a "conveyance" at some point upstream of an outfall without inspecting the outfall? If a dry weather screening is conducted on an outfall or conveyance point, then (case 1) presumably the Permittee gets "credit" for everything upstream of that outfall or conveyance point. For instance, if upstream of an outfall or conveyance point of a "conveyance" represents 5% of the Permittees MS4, then that one inspection represents 5% of the condition requirement of this section. Or, (case 2) is Ecology's intent in this section to require Permittees to inspect the outfall, and even if no illicit discharge is discovered, they must also inspect the upstream "conveyance" until the percentage required for this condition is met? The

City has no problem with case 1, however, if Ecology's intent is case 2 then the City asks that Ecology reconsider and clarify that case 1 is the intent.

S5.C4 (Controlling Runoff)

Page 29, lines 5-13: Removing the 1 acre threshold provides more equitability amongst Permittees. Several Permittees, including Kenmore, were forced to retain more stringent thresholds with the 2007 Permit while others only had to regulate down to 1 acre.

S5.C4.c.ii (Controlling Runoff)

Page 32, lines 19-23: Consider revising language to allow for inspections every 6 months only during active construction. Some sites can sit partially developed, but stabilized, for multiple years, especially in the current economy. This would only be valid for sites that have permanent erosion control in place.

S5.C4.h (Controlling Runoff)

Page 35, lines 12-17: Condition needs to define "participate and cooperate". In particular, is there a financial commitment required by Phase II Permittees? Does allowing a Phase I to conduct work within the Phase II's jurisdiction satisfy "participate and cooperate"?

S5.C5.a.ii (O&M)

Page 36, lines 27-28: Include a metric for compliance, for example, a 95% completion rate will grant compliance with the condition.

S5.C5.d.i (O&M)

Page 37, lines 17-23: Circuit basis inspections rely on the assumption that sediment accumulation will occur beginning at the outfall and work its way upstream. In my experience, other factors dictate sediment accumulation within a circuit more than distance from the outfall. Instead of focusing on the outfall, I would suggest that Ecology define how to sample catch basins within a circuit that provides a random representation of the entire circuit.

S5.C5.d.i (O&M)

Page 37, line 18: The term "sampling" is vague and needs clarification. Should a sample include a certain percentage of the total number of catch basins? Should any two catch basins sampled be a certain percentage upstream/downstream of each other in relation to the total run of the circuit?

S5.C5.d.ii (O&M)

Page 37, line 25: The language "within a circuit" confuses the condition. Did Ecology mean to state that the Permittee could clean the entire MS4 (not one circuit) once during the permit cycle as an alternative? Currently written, a Permittee may choose one circuit, clean all of it, and meet the condition for catch basin inspection and cleaning.

S5.C5.f (O&M)

The City appreciates Ecology's effort to clean up the language of this section.

S8.C (Monitoring)

Page 51 and 55: It appears that the two options for status and trends monitoring have the possibility of being vastly inequitable. Option 2 should have a clause stating that Permittees do not have to spend more than what would be required of option 1. This could be achieved by reducing the number of sites required and/or reducing the number of parameters required. Neighboring Permittees sharing the same waterbody of interest that choose option 2 should be able to coordinate (i.e. if three Permittees share a common waterbody of interest then they should be able to coordinate on one site instead of three different sites).

S8.D (Monitoring)

Pages 55-59: Page 54 and 55: It appears that the two options for effectiveness monitoring have the possibility of being vastly inequitable. Option 2 should have a clause stating that Permittees do not have to spend more than what would be required of option 1. This could be achieved by reducing the number of sites required and/or reducing the number of parameters required. Neighboring Permittees doing the same effectiveness study that choose option 2 should be able to coordinate (i.e. if three Permittees do a common effectiveness study then they should be able to coordinate on one site instead of three different sites).

S8.E (Monitoring)

Pages 55-59: Page 54 and 55: It appears that the two options for source identification and diagnostic monitoring have the possibility of being vastly inequitable. Option 2 should have a clause stating that Permittees do not have to spend more than what would be required of option 1. This could be achieved by reducing the number of sampling events required and/or reducing the number of parameters required.

Definitions and Acronyms – Illicit discharge

Page 75, lines 35 – 41: What is the intent behind *"infiltration/exfiltration of non-stormwater that takes place in pipe bedding"*?

Definitions and Acronyms – Circuit

Page 74, lines 31-34: Please clarify *"or a junction within the MS4"*. By definition, the MS4 (page 77, lines 5-18) discharges to waters of the state (page 81, lines 3-7) at the outfall (Page 77, lines 36-40), hence, a junction at some point in a stormwater system that discharges, but isn't an outfall, would not be part of the MS4 and not included in this Permit. The City agrees with the other language specifying interconnection points.

Definitions and Acronyms – MS4 & Outfall (and their relationship)

Page 77, lines 5-18 (MS4) and Page 77, lines 36-40 (outfall): By definition, the MS4 must be owned and operated by the City and the outfall is the point where the MS4 discharges to waters of the state. In many (or most) cases, the City's MS4 stops at a private property boundary and the non-MS4 conveyance continues to the discharge point located on private property (to a water of the state). Per this definition, the point of discharge can't be the outfall because it is not connected to the MS4, which by definition alone might allow the argument that it isn't a MS4. In practical application, the City has just used common sense, but it would be nice if the definition matched what is commonly encountered in reality.

Appendix 6 (Street Waste Disposal)

Page 1, lines 24 & 41: municipal sanitary sewer should not be replaced with MS4.

If you have any questions or comments, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Richard Sawyer', with a long horizontal flourish extending to the right.

Richard Sawyer
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